

1 GENTILE CRISTALLI
2 MILLER ARMENI SAVARESE
3 PAOLA M. ARMENI
Nevada Bar No. 8357
E-mail: parmeni@gcmaslaw.com
4 VINCENT SAVARESE III
Nevada Bar No. 2467
E-mail: vsavarese@gcmaslaw.com
5 Tel: (702) 880-0000
Fax: (702) 778-9709
6 Attorneys for Petitioner, David Robert Thomson

7 **IN THE UNITED STATES DISTRICT COURT**

8 **FOR THE DISTRICT OF NEVADA**

9 DAVID ROBERT THOMSON,

CASE NO. 2:17-cv-02932-RFB-GWF

10 Petitioner,

11 vs.

12 BRIAN WILLIAMS, et al. ,

13 Respondents.

14

15 **STIPULATION AND ORDER TO ALLOW PARTIES TO FILE A STATUS**
REPORT IN 60 DAYS AS TO THE STANDING OF PETITIONER'S
APPEAL IN THE NEVADA COURT OF APPEALS

16

17 **IT IS HEREBY STIPULATED** by and between Petitioner, David Robert Thomson, by
18 and through his attorneys, Paola M. Armeni, Esq., and Vincent Savarese III, Esq., of the law firm
19 of Gentile Cristalli Miller Armeni Savarese, and Respondents, by and through Aaron Ford,
20 Nevada Attorney General, and Natasha M. Gebrael, Deputy Attorney General of the State
21 Nevada that the parties will file a Status Report in 60 days to advise the Court as to the status of
22 Petitioner's state case pending before the Nevada Court of Appeals. If the matter has been
23 resolved at the time of the Status Report, Petitioner will request a deadline to file a Motion to
24 Seek Leave to File a Third Amended Petition for Writ of Habeas Corpus. If the state court
25 matter is not resolved within the 60 days, the parties will seek an additional time period for
26 another Status Report.

27

This Stipulation is entered into for the following reasons:

28

1. Petitioner has an appeal pending before the Nevada Court of Appeals, Case No.

1 76102. On June 6, 2019, the Nevada Supreme Court transferred this case to the Nevada Court of
2 Appeals. To date, no decision has been issued on the appeal.

3 2. The parties believe that for efficiency and judicial economy that the Nevada State
4 Court matter should be exhausted and fully completed prior to Petitioner making a request for
5 leave to file a Third Amended Petition for Writ of Habeas Corpus.

6 3. Respondent's stipulation to allow Petitioner additional time does not signify an
7 implied finding of a basis for tolling any applicable period of limitations or the waiver of any
8 other procedural defense. Petitioner at all times remains responsible for calculating any
9 limitation periods and understands that, in granting an extension request, this Court makes no
10 finding or representation that the petition, any amendments thereto, and/or any claims contained
11 therein are not subject to dismissal as untimely.

12 4. This stipulation is not filed for the purpose of delay, but in the interests of justice,
13 in order to ensure that Mr. Thomson has effective and thorough representation in his federal
14 habeas action as well as for judicial economy.

15 DATED this 3rd day of July, 2019.

16 GENTILE CRISTALLI
17 MILLER ARMENI SAVARESE

18 /s/ PAOLA M. ARMENI
PAOLA M. ARMENI
19 Nevada Bar No. 8357
VINCENT SAVARESE III
20 Nevada Bar No. 2467
Tel: (702) 880-0000
Fax: (702) 778-9709
21 Attorneys for Petitioner, David Robert Thomson

22 AARON FORD
23 Nevada Attorney General

24 /s/ NATASHA M. GEBRAEL
AARON FORD
25 Nevada Attorney General
NATASHA M. GEBRAEL
Deputy Attorney General
26 Nevada Bar No. 14367
555 East Washington Avenue, #3900
27 Las Vegas, NV 89101
Tel: (702) 486-2625
Fax: (702) 486-2377

ORDER

Upon stipulation of the parties, and good cause appearing therefor,

IT IS HEREBY ORDERED that the parties shall have sixty (60) days from the date of this Order to file a Status Report with the Court advising it of the status of Petitioner's appeal currently before the Nevada Appeals Court.

DATED this 9th day of July, 2019.

SP

**RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE**

United States of America,
vs.

vs.
BRIAN WILLIAMS, et al.

CASE NO. 2:17-cv-02932-RFB-GWF